

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff.

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US ONLINE.COM, INC., d/b/a
SUDDENVALUES.COM, a
Washington for-profit corporation, and
STEVEN W. KLOCK, Chief Executive
Officer.

Defendants.

NO: 2:14-CV-0137-TOR

ORDER APPROVING CONSENT DECREE

BEFORE THE COURT is the parties' Stipulated Motion to Enter Consent

Decree (ECF No. 31). On May 9, 2014, Plaintiff filed a complaint against Defendants asserting claims under the Controlling the Assault of Non-Solicited Pornography and Marketing Act, 15 U.S.C. § 7701 *et seq.*, and the Washington Consumer Protection Act, RCW 19.86.010 *et seq.* ECF No. 1. On July 16, 2014, Defendants filed a counterclaim against Plaintiff alleging negligence and misrepresentation. ECF No. 4. The proposed Consent Decree would resolve all

1 claims between the parties. ECF No. 32. All parties have agreed to entry of the
2 proposed Consent Decree. ECF Nos. 31, 32.

3 The Court “reviews the decree under a ‘universally applied standard’ to
4 determine whether the settlement is ‘fundamentally fair, adequate and
5 reasonable.’” *Davis v. City & Cnty. of San Francisco*, 890 F.2d 1438, 1444 (9th
6 Cir. 1989). In this review the Court “must balance several factors, including but
7 not limited to: strength of the plaintiffs’ case; risk, expense, complexity and
8 possible duration of continued litigation; relief offered in settlement; extent of
9 discovery already completed; stage of proceedings; experience and views of
10 counsel; governmental participation; and reaction of the class members.” *Id.* at
11 1445.

12 Having reviewed the proposed Consent Decree, the Court concludes that it is
13 fundamentally fair, adequate and reasonable. The proposed Consent Decree, filed
14 at ECF No. 32, is approved and an endorsed copy will be filed.

15 **ACCORDINGLY, IT IS HEREBY ORDERED**

16 1. The parties’ Stipulated Motion to Enter Consent Decree (ECF No. 31)
17 and Motion to Expedite (ECF No. 30) are **GRANTED**, and the Consent
18 Decree endorsed by the Court shall be filed simultaneously hereto.

19 2. All remaining claims and causes of action asserted by the parties are
20 hereby **DISMISSED** with prejudice.

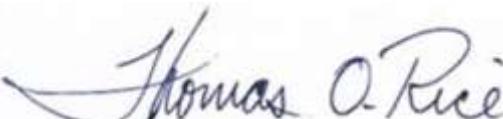
1 3. Defendants' Motion for Partial Summary Judgment (ECF No. 22) is
2 **DENIED** as moot.

3 4. All pending hearing dates, including the trial date, are vacated.

4 The District Court Executive is hereby directed to enter this Order, provide
5 copies to counsel, and administratively **CLOSE** the file. The Court retains
6 jurisdiction to enforce the Consent Decree. *Kokkonen v. Guardian Life Ins. Co. of*
7 *Am.*, 511 U.S. 375, 381–82 (1994).

8 **DATED** June 15, 2015.



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10 
11 THOMAS O. RICE
12 United States District Judge